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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                    | CONFIRMATION NO.        |
|--|-------------|----------------------|--|-------------------------|
| 10/701,259   | 11/04/2003  | Peiguang Zhou        | KCC-19,694                             | 6079                    |
| <div>7590<br/>Melanie I. Rauch<br/>Pauley Petersen &amp; Erickson<br/>Suite 365<br/>2800 West Higgins Road<br/>Hoffman Estates, IL 60195</div> |             |                      | <div>EXAMINER<br/>ZIMMER, MARC S</div> |                         |
|  |             |                      | <div>ART UNIT<br/>1712</div>           | <div>PAPER NUMBER</div> |
| SHORTENED STATUTORY PERIOD OF RESPONSE   | MAIL DATE   | DELIVERY MODE        |  |                         |
| 3 MONTHS   | 04/20/2007  | PAPER                |  |                         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/701,259

Applicant(s)

ZHOU ET AL.

Examiner

Marc S. Zimmer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-13, 15-24 and 38-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 63 is/are allowed.
- 6) ☒ Claim(s) 11-13, 15-24, 38-56 and 60-62 is/are rejected.
- 7) ☒ Claim(s) 57-59 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

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Applicant is advised that should claims 22 and 51 be found allowable, claims 46 and 52 respectively will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Applicant did not address this matter in their response filed February 6, 2007.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-13, 15-24, 38-56 and 60-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Nesculescu et al., U.S. Patent Application Publication No. 2004/0005832.

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention

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disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claims 11, 18, 19, 38-41, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Udipi et al., U.S. patent # 4,135,037.

Based on the Examiner's indication of allowable subject matter in claim 14, Applicant has simply amended claim 11 to include its limitations. However, the Examiner has concluded that his earlier evaluation of the patentability of claim 14 was flawed. Claim 14, and now claim 11, stipulate that the facing sheet must be absorbent but there is no recitation of any degree of absorbency. In this connection, it is noted that one of the substrates to which the adhesive described by Udipi could be applied is paper (column 4, line 17). While it is appreciated that most papers are not able to absorb significant quantities of water, they are, nevertheless, capable of liquid uptake and, therefore, present claim 11 and the aforementioned claims dependent therefrom, cannot be held as patentable on the basis that the claims require the facing sheet to be absorbent. Likewise, the non-woven webs (paragraphs 31, 33, and 60) that constitute facing sheets in the invention described by Nesceluscu possess at least some minimal ability to absorb liquids.

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Applicant has also introduced new claims 61 and 62 which contain the limitations of original claim 11 and also original claims 47 and 50 respectively because the Examiner had stated that the latter two claims contained allowable subject matter though no reasons were furnished. The Examiner can only speculate that perhaps the these claims were held as allowable because their scope had been misunderstood. Nescelescu clearly discloses a laminate featuring a combination of extruded reinforcing strands and an elastomeric film so it is unclear why claims 47 would the Examiner had earlier held this claim as being allowable. Likewise, paragraph 44 says that the strands may be laid out in an irregular pattern so the limitations of original claim 50 and hence new claim 62, would all appear to be anticipated. The Examiner sincerely regrets the error and any inconvenience this may have caused Applicant.

Claim 63, on the other hand, still appears to be allowable and claims 57-59 do indeed seem to recite patentable subject matter.

Of course, this Office has not been made final in view of the new grounds of rejection set forth herein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc S. Zimmer whose telephone number is 571-272-1096. The examiner can normally be reached on Monday-Friday 8:00-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 16, 2007

  
MARC S. ZIMMER  
PRIMARY EXAMINER